

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 670

Introduced by Thompson, 14; Mossey, 3

Read first time January 22, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend sections
2 28-101 and 29-4003, Revised Statutes Supplement, 2002; to
3 prohibit the use of a computer as prescribed; to provide
4 penalties; to apply the provisions of the Sex Offender
5 Registration Act to such offender; to harmonize
6 provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Supplement,
2 2002, is amended to read:

3 28-101. Sections 28-101 to 28-1348 and section 2 of this
4 act shall be known and may be cited as the Nebraska Criminal Code.

5 Sec. 2. (1) No person shall knowingly solicit, coax,
6 entice, or lure or attempt to solicit, coax, entice, or lure (a) a
7 child sixteen years of age or younger or (b) a peace officer who is
8 believed by such person to be a child sixteen years of age or
9 younger, by means of a computer as that term is defined in section
10 28-1343, to engage in an act which would be in violation of
11 sections 28-317 to 28-321.

12 (2) A person who violates this section is guilty of a
13 Class III felony. If a person who violates this section has
14 previously been convicted of a violation of this section or section
15 28-308, 28-309, 28-310, 28-311, 28-313, 28-314, 28-315, or 28-317
16 to 28-321, the person is guilty of a Class II felony.

17 Sec. 3. Section 29-4003, Revised Statutes Supplement,
18 2002, is amended to read:

19 29-4003. (1) Except as provided in subsection (2) of
20 this section, the Sex Offender Registration Act shall apply to any
21 person who on or after January 1, 1997:

22 (a) Pleads guilty to or is found guilty of:

23 (i) Kidnapping of a minor pursuant to section 28-313,
24 except when the person is the parent of the minor and was not
25 convicted of any other offense in this section;

26 (ii) False imprisonment of a minor pursuant to section
27 28-314 or 28-315;

28 (iii) Sexual assault pursuant to section 28-319 or

1 28-320;

2 (iv) Sexual assault of a child pursuant to section
3 28-320.01;

4 (v) Sexual assault of a vulnerable adult pursuant to
5 subdivision (1)(c) of section 28-386;

6 (vi) Incest of a minor pursuant to section 28-703;

7 (vii) Pandering of a minor pursuant to section 28-802;

8 (viii) Visual depiction of sexually explicit conduct of a
9 child pursuant to section 28-1463.03 or 28-1463.05;

10 (ix) Criminal child enticement pursuant to section
11 28-311; ~~or~~

12 (x) Child enticement by means of a computer pursuant to
13 section 2 of this act; or

14 (xi) Attempt, solicitation, or conspiracy to commit an
15 offense listed in subdivisions (1)(a)(i) through ~~(1)(a)(ix)~~
16 (1)(a)(x) of this section;

17 (b) Enters the state and has pleaded guilty to or has
18 been found guilty of any offense that is substantially equivalent
19 to a registrable offense under subdivision (1)(a) of this section
20 by any state, territory, commonwealth, or other jurisdiction of the
21 United States, by the United States Government, or by court martial
22 or other military tribunal; or

23 (c) Is incarcerated in a jail, a penal or correctional
24 facility, or any other public or private institution or is under
25 probation or parole as a result of pleading guilty to or being
26 found guilty of a registrable offense under subdivision (1)(a) or
27 (b) of this section prior to January 1, 1997.

28 (2) In the case of a person convicted of a violation of

1 section 28-311, 28-313, 28-314, or 28-315, the convicted person
2 shall be subject to the Sex Offender Registration Act, unless the
3 sentencing court determines at the time of sentencing, in light of
4 all the facts, that the convicted person is not subject to the act.
5 The sentencing court shall make such determination part of the
6 sentencing order.

7 (3) A person appealing a conviction of a registrable
8 offense under this section shall be required to comply with the act
9 during the appeals process.

10 Sec. 4. Original sections 28-101 and 29-4003, Revised
11 Statutes Supplement, 2002, are repealed.